IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION No. 7983 of 2001

Between:

Triveni Yadav, S/o. Shankar Yadav,
Hakeempet, Ranga Reddy District. ..... PETITIONER

AND

1 Dy. Inspector General, NISA, Hakeempet,
Ranga Reddy District.
2 The Commandant, NISA,
Hakeempet, Ranga Reddy District.
3 Sri R.B. Bhatanagar, DC/Enquiry Officer,

CISF, NISA, Hakeempet, Hyderabad. ....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue any appropriate writ, order or direction, preferably a writ of Certiorari calling for the records pertaining to Proc.No.V-15014/Major/Disc./NISA./2001, dt. 04-01-2001 issued by Respondent No.1 and quash the same in so far as it is against the petitioner.

Counsel for the Petitioner : Mr.G.ANANDAM

Counsel for the Respondents : MR.AKHTER AHMED JABRI

The Court made the following :

ORDER:

This writ petition is filed seeking Certiorari calling for records relating to proceedings No.V-15014/Major/DISC/NISA-2001/70 dated 4.1.2001 issued by the first respondent and quash the same as arbitrary and illegal.

It is the case of the petitioner that he joined the service of Central Industrial Security Force (CISF) as Constable on 2.2.1975 and subsequently promoted as Head Constable in the year 1991. He served the department for a period of 25 years without any blame. While so, he was issued a charge memo dated 22.3.2000, which reads as under:

> "That No.754351058 HC/GD Triveni Yadav while detailed for Assembly Election-2000 duties in the State of Bihar in Coy.No.802 was issued with 7.62 mm SLR (Service), Registration No.37061, Butt N.169 along with 50 rounds ammunition, 10 charger clips and 01 Bandolier on 28.1.2000, which he was supposed to re-deposit in the NISA Kota after completion of election duties. But No.754351058 HC/GD Triveni Yadav failed to deposit 20 rounds ammunition, 10 charger clips and 01 Bandolier in the NISA Kote on 28.2.2000 after his return to NISA on completion of election duty".

After conducting a detailed enquiry into the matter as required under law, the second respondent by his order dated 18/19.8.2000 imposed punishment on the petitioner ordering reduction of pay to the lowest stage from Rs.4,305/- to Rs.3,200/- for a period of three years and also ordered that the petitioner shall not earn increment of pay during the period of reduction and that on the expiry of the period, the reduction will have the effect of postponing his future increment of pay. Aggrieved by the same, the petitioner filed appeal before the appellate authority and the same was rejected. Hence the writ petition.

The learned counsel for petitioner submits that reduction in pay from Rs.4,305/- to Rs.3,200/- for a period of three years and also postponing the increment for the said period with cumulative effect is nothing but double punishment and therefore, the punishment imposed by the respondent is arbitrary, illegal and disproportionate to

the charge proved.

A detailed counter affidavit has been filed on behalf of respondents denying the allegations made by the petitioner. The learned counsel for respondents strenuously contended that the petitioner committed serious misconduct and as such the authorities have rightly imposed punishment of reduction in pay scale apart from postponement of increments for three years with cumulative effect, which is just and proper in the nature of misconduct committed by the petitioner.

I have given my earnest consideration to the respective statements made by the learned counsel and gone through the order impugned herein and also the order passed by the appellate authority and the material available on record. Instead of remanding the matter back for re-consideration, I am of the view that the matter can be decided here itself to give quietus to the litigation between the parties.

It is not denied by the respondents that the petitioner had put in 25 years of unblemished service. It is not the case of the respondents that the petitioner has misused those ammunition which was stated to be missing while he was on election duty. The respondents have recovered the cost of ammunition and other articles lost. Since there was no malice on the part of the petitioner, I am of the considered opinion that the punishment of reduction of salary from Rs.4,305/- to Rs.3,200/- for a period of three years which works out to more than Rs.36,000/- is itself sufficient and the further punishment denying increments to the petitioner for the said three years period with cumulative effect is disproportionate to the misconduct alleged against the petitioner and the same amounts to double punishment, which is not permissible under law. Therefore, the order of the disciplinary authority as confirmed by the appellate authority requires to be modified.

In the result, the order of the second respondent dated 18/19.8.2000 imposing punishment on the petitioner reducing his pay from Rs.4,305/- to Rs.3,200/- for a period of three years holds good, but the further punishment of stoppage of increments during the said period is hereby set aside.

The writ petition is allowed to the extent indicated above. There shall be no order as to costs.

C.V.RAMULU, J

Date: 3.3.2005

DA

To

1 The Deputy Inspector General, NISA, Hakeempet,
Ranga Reddy District.
2 The Commandant, NISA,
Hakeempet, Ranga Reddy District.

3 Sri R.B. Bhatanagar, DC/Enquiry Officer,

CISF, NISA, Hakeempet, Hyderabad.

4 Two CD copies.